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until the present, and he adhered to such position until after the evidence was closed, it was then too late for him to plead limitations.

[Ed. Note.—For other cases, see *Limitation of Actions*, Cent. Dig. §§ 676-682, 695, 705; Dec. Dig. § 182.\* 9 Va.-W. Va. Enc. Dig. 446.]

Appeal from Circuit Court, Prince William County.

Suit by the Board of Supervisors of Prince William County against James E. Herrell, County Treasurer, for an accounting. Decree for complainant, and defendant appeals. Affirmed.

*Thos. H. Lion and C. E. Nicol*, for appellant.

*Robt. A. Hutchinson and H. T. Davies*, for appellee.

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HOLLY *v.* COMMONWEALTH.

June 13, 1912.

[75 S. E. 88.]

**1. Larceny (§ 30\*)—Indictment—Sufficiency.**—Under Code 1904, § 3994, which provides that in a prosecution for larceny of United States currency it shall be sufficient if accused be proved guilty of the larceny of national bank notes or any other form of money issued by the government, though the particular species be not proved, an indictment charging larceny of three notes of United States currency of the value of \$20 sufficiently charges grand larceny.

[Ed. Note.—For other cases, see *Larceny*, Cent. Dig. §§ 64-75, 99; Dec. Dig. § 30.\* 9 Va.-W. Va. Enc. Dig. 226.]

**2. Larceny (§ 40\*)—Variance—Property Taken.**—There was no material variance between an indictment charging larceny of three notes of United States currency of the value of \$20 and proof of the taking of one \$10 bill, one \$5 bill, five \$1 bills, and 65 cents in fractional coin.

[Ed. Note.—For other cases, see *Larceny*, Cent. Dig. §§ 102-126, 160; Dec. Dig. § 40.\* 9 Va.-W. Va. Enc. Dig. 233.]

Error to Circuit Court, Tazewell County.

Hampton Holly was convicted of grand larceny, and he brings error. Affirmed.

*Minter & Minter*, for plaintiff in error.

*Attorney General, Samuel W. Williams*, for the Commonwealth.

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.